

HOUSE AGRICULTURE COMMITTEE AMENDMENT NO. 1, AS AMENDED

Amendment No. 1 to HB2243

Davidson  
Signature of Sponsor

**AMEND Senate Bill No. 2185\***

**House Bill No. 2243**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 44-17-102, is amended by deleting item (6) in its entirety and by deleting item (4) and substituting instead the following:

(4) "Dealer" means any person who, for compensation or profit, buys, sells, transports (except as a common carrier), delivers for transportation, or boards dogs or cats for research purposes, or any person who buys or sells fifty (50) or more dogs or cats in any one (1) calendar year.

SECTION 2. Tennessee Code Annotated, Section 44-17-103, is amended by deleting subsection (b) and substituting instead the following:

(b) A violation of this section is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 44-17-104, is amended by deleting subsection (b) and substituting instead the following:

(b) Each application for a license shall be accompanied by a license fee based upon the following:

(1) Dealer license fee to sell dogs or cats to research facilities - two hundred and fifty dollars (\$250)

(2) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale or to sell dogs and cats directly to consumers to be assessed as follows:

(A) Transactions of 50 to 60 animals per year where sales are made directly from the dealer to the consumer – seventy-five dollars (\$75.00)

(B) Transactions of 61 to 150 animals per year - two hundred and fifty dollars (\$250)

(C) Transactions of 151 to 300 animals per year - five hundred dollars (\$500)

(D) Transactions of 301 to 500 animals per year - seven hundred and fifty dollars (\$750)

(E) Transactions of more than 500 animals per year - one thousand dollars (\$1,000)

(F) Dealer license fee to transport dogs or cats in commerce - one hundred and twenty-five dollars (\$125).

SECTION 4. Tennessee Code Annotated, Section 44-17-105, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner shall issue a license to an applicant after determining:

(1) The applicant or any responsible officer thereof has never been convicted of cruelty to animals or of a violation of this part;

(2)(A) An inspection has been made of the premises and a finding that it conforms to the provisions of this part and the rules and regulations of the commissioner, and is a suitable place in which to conduct the dealer's business;

(B) Notwithstanding the provisions of § 44-17-115(a), after an inspection of an applicant's premises has been conducted to determine adequacy, conformity, and suitability thereof for purposes of the initial licensure of such applicant as a dealer, the applicant has met the applicable standards relative to adequacy, conformity, and suitability of the applicant's premises for licensure as a dealer, and a dealer's license has been issued to the applicant, the commissioner shall have no authority to conduct any subsequent inspection of such premises unless and until a formal complaint against such dealer has been filed with the commissioner; and

(3) The dealer's business is to be conducted in a permanent structure or building.

SECTION 5. Tennessee Code Annotated, Section 44-17-106, is amended by deleting the section and substituting instead the following:

(a) A license, unless sooner suspended or revoked, shall be renewable annually upon filing by the licensee and approval by the commissioner, of an annual report upon such forms and containing such information as the commissioner may prescribe by regulation. The fee for renewal of licenses shall be based upon the following:

(1) Dealer license fee to sell dogs or cats to research facilities - two hundred and fifty dollars (\$250)

(2) Dealer license fee (wholesale or retail) to buy or sell dogs or cats for resale or to sell dogs and cats directly to consumers to be assessed as follows:

(A) Transactions of 50 to 60 animals per year where sales are made directly from the dealer to the consumer – seventy-five dollars (\$75)

(B) Transactions of 61 to 150 animals per year - two hundred and fifty dollars (\$250)

(C) Transactions of 151 to 300 animals per year - five hundred dollars (\$500)

(D) Transactions of 301 to 500 animals per year - seven hundred and fifty dollars (\$750)

(E) Transactions of more than 500 animals per year - one thousand dollars (\$1,000)

(F) Dealer license fee to transport dogs or cats in commerce - one hundred and twenty-five dollars (\$125).

SECTION 6. Tennessee Code Annotated, Section 44-17-115, is amended by adding the following new subsections (e) and (f):

(e) The commissioner is authorized to impose civil penalties in an amount not to exceed one thousand dollars (\$1000) for each violation of the provisions this part or the rules promulgated for its administration and enforcement.

(f) The commissioner is authorized to seek and obtain court ordered injunctions and restraining orders as necessary to prevent violation of this part.

SECTION 7. Tennessee Code Annotated, Section 44-17-116, is amended by deleting the section in its entirety and substituting instead the following:

(a) A person who violates any of the provisions of this part commits a Class A misdemeanor.

(b) After notice of any violation received from the commissioner, each sale or each day of operation without a valid license constitutes a separate offense.

SECTION 8. Tennessee Code Annotated, Section 44-17-121, is amended by deleting the section in its entirety and substituting instead the following:

Subject to the provisions of this part, the commissioner has the authority to order the confiscation of animals as may be necessary to provide for the humane treatment of such animals and to coordinate the efforts of humane organizations to take custody of such animals.

SECTION 9. Tennessee Code Annotated, Section 44-17-122, is amended by deleting the section in its entirety and substituting instead the following:

The commissioner may enter into cooperative agreements with local and/or federal agencies for purposes of implementing this part.

SECTION 10. This act shall take effect upon becoming law, the public welfare requiring it.